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06 UNITED STATES DISTRICT COURT
07 WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

08 FARSHAD FARYABI,) CASE NO. C09-0140-MJP
09 Plaintiff,)
10 v.) REPORT AND RECOMMENDATION
11 UNITED STATES LAW ENFORCEMENT)
(BARACK OBAMA),)
12 Defendant.)
13 _____)

14 Plaintiff Farshad Faryabi, proceeding pro se, filed an application to proceed in forma
15 pauperis (IFP) and a proposed complaint against “United States Law Enforcement (Barack
16 Obama).” (Dkt. 1.) Having reviewed the submitted documents, the Court recommends
17 DENYING the request to proceed IFP and DISMISSING this case without prejudice due to
18 severe deficiencies in the proposed complaint that render it incomprehensible.

19 In full, Mr. Faryabi’s statement of his claim reads: “I am writing this note for US Court
20 regarding my situation without law for [handwriting illegible] of some met[aphysical]
21 violations and telepathic violations. I do not have any statement for telepathy. I cannot take
22 a[.]” (Dkt. 1-2, at 4.) In full, Mr. Faryabi’s statement about the relief he seeks reads: “I am

01 writing this note follwin[g] my petition to this court about some organized discrimination for
02 my statement about telepathy. I have some documents about this discrimination about my
03 statement[.]” (*Id.* at 3.)

04 Pursuant to 28 U.S.C. § 1915(e)(2)(B), this Court may deny an application to proceed
05 IFP and should dismiss a complaint if it is frivolous or fails to state a claim upon which relief
06 can be granted. *See* 28 U.S.C. § 1915(e)(2)(B)(i)-(ii); *O’Loughlin v. Doe*, 920 F.2d 614, 616
07 (9th Cir. 1990). An action is frivolous if “it lacks an arguable basis in either law or in fact.”
08 *Neitzke v. Williams*, 490 U.S. 319, 325 (1989).

09 Here, Mr. Faryabi fails to allege sufficient facts to place defendant on notice of the
10 nature of his claims or otherwise provide any basis for jurisdiction in this Court. *See* Fed. R.
11 Civ. P. 8(a). In fact, his statement regarding federal jurisdiction reads “N/A.” (Dkt. 1-2, at 2.)
12 Furthermore, any attempts to cure the extreme deficiencies in this case would be futile.
13 Because this action appears frivolous and fails to state a claim upon which relief can be granted,
14 it is subject to dismissal under 28 U.S.C. § 1915(e)(2)(B) and Federal Rule of Civil Procedure
15 12(b)(6). The fact that Mr. Faryabi is not a prisoner does not change this conclusion. *See*
16 *Lopez v. Smith*, 203 F.3d 1122, 1129 (9th Cir. 2000) (“[S]ection 1915(e) applies to all in forma
17 pauperis complaints, not just those filed by prisoners.”).

18 The Court advises Mr. Faryabi of his responsibility to research the facts and law before
19 filing a complaint in order to determine whether his claim for relief is frivolous. If Mr. Faryabi
20 files a frivolous action, he may be sanctioned. *See* Fed. R. Civ. P. 11. If a plaintiff files
21 numerous frivolous or malicious complaints, the Court may bar him from proceeding in this
22 Court. *See DeLong v. Hennessey*, 912 F.2d 1144, 1146-48 (9th Cir. 1990) (discussing bar

01 order requirements). The Court notes that Mr. Faryabi has already had another IFP application
02 denied because his proposed action appeared to be frivolous. *See Faryabi v. U.S. Law*
03 *Enforcement*, No. 07-1867-RSL-JPD, Dkt. 5 (dated Dec. 11, 2007).

04 Because of the severe deficiencies in Mr. Faryabi's proposed complaint, his application
05 to proceed IFP should be DENIED and this case DISMISSED without prejudice. 28 U.S.C. §
06 1915(e)(2)(B). A proposed Order of Dismissal accompanies this Report and
07 Recommendation. If Mr. Faryabi believes that the deficiencies outlined herein can be cured
08 by an amendment to his complaint, he should lodge an amended complaint as part of his
09 objections, if any, to this Report and Recommendation.

10 DATED this 5th day of February, 2009.

11
12 s/ Mary Alice Theiler
United States Magistrate Judge